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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,899	03/14/2002	Jesus Matey	46522 - 1100	3665

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Head, Johnson & Kachigian  
Moore Manor  
228 West 17th Place  
Tulsa, OK 74119

EXAMINER

AUSTIN, SHELTON W

ART UNIT	PAPER NUMBER
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2112

DATE MAILED: 11/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/099,899

Applicant(s)

MATEY, JESUS

Examiner

Shelton Austin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Claim Objections

1. Claim 2 is objected to because of the following informalities: "...the preview is shown is displayed ..." is grammatically incorrect. Appropriate correction is required.

### Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
  - (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
3. Claims 1, 7, 8, 12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Nijima et al. (US 5,926,230).

In regards to claim 1, Nijima discloses a television system (fig. 3), said system comprising: a broadcast data receiver (2) for receiving broadcast data (col. 9, lines 14-18) from a remote location (Broadcasting station—fig. 3) via cable, satellite or terrestrial means (col. 8, lines 61-67) and processing the data (col. 9, lines 19-20); a display screen (4) for displaying processed video data (col. 9, lines 20-27) connected to or

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forming part of the broadcast data receiver (fig. 9 shows the connection of the receiver and the display) and having a window (col. 12, line 34-41); a plurality of different video display formats provided on the display screen for selection by a user and wherein upon selection of a particular video display format a preview of the resulting video display is displayed in the window on the display screen (user selects the reduced screens format which is read out from a number of multi-screen previews and displayed on a monitor apparatus—col. 13, lines 18-20; user selects one of reduced screens displayed on the monitor apparatus—col. 13, lines 30-32).

In regards to claim 7, Niijima discloses a plurality of different video display formats are provided in a drop down menu (In using the generic term for menu, an electronic program guide can be a form of menu; user selects a preview from the electronic program guide to be displayed—col. 12, lines 35-41). Niijima also discloses a predetermined menu screen displayed on the monitor apparatus when the user manually selects a menu button (col. 16, lines 33-35).

In regards to claim 8, Niijima discloses said drop down menu is provided in a viewing preferences screen for selection therefrom by a user (user manually selects a manner of arrangement from a menu—col. 20, lines 48-53).

In regards to claim 12, Niijima discloses format of the video display selected by a user is maintained on all video displays until a different video display format is selected. The reduced screen format is transmitted via a single channel (col. 5, lines 37-44) and if the channel and format are selected prior to the disconnection of a power supply, the

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channel and format will be maintained on the screen after the power source is (col. 15, lines 57-67).

In regards to claim 14, Nijima discloses a broadcast data receiver (fig.2-- 2) for receiving broadcast data (col. 9, lines 14-18) from a remote location (Broadcasting station—fig. 3) via cable, satellite or terrestrial means (col. 8, lines 61-67) and processing said data (col. 9, lines 19-20), said broadcast data receiver comprising: a display screen (4) for displaying processed data including video data (col.9, lines 20-27) being connected to or forming part of said broadcast data receiver (fig. 9 shows the connection of the receiver and the display) and including a window (col. 12, line 34-41); a plurality of different video display formats for user selection on the display screen and wherein upon selection by a user of a particular video display format a preview of the resulting video display is displayed in the window on the display screen (user selects the reduced screens format which is read out from a number of multi-screen previews and displayed on a monitor apparatus—col. 13, lines 18-20; user selects one of reduced screens displayed on the monitor apparatus—col. 13, lines 30-32).

In regards to claim 15, Nijima discloses an electronic program guide (fig. 6—204) for display on a display screen of a television system (col. 12, lines 58-62), said electronic program guide comprising: data relating to one or more channels and/or programs for broadcasting at that time or in the future (col. 11, lines 19-24); at least one display screen having a window (col. 12, lines 34-41); a menu (col. 16, lines 33-35) including a number of user-selectable preferences having a plurality of different video display formats for selection by a user on the display screen and wherein upon selection

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of a particular video display format a preview of the resulting video display is displayed in the window on the display screen of the electronic program guide (user selects the reduced screens format which is read out from a number of multi-screen previews and displayed on a monitor apparatus—col. 13, lines 18-20; user selects one of reduced screens displayed on the monitor apparatus—col. 13, lines 30-32).

4. Claims 1, 2, 6, 7 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemmons (US 6, 481, 011 B1).

In regards to claim 1, Lemmons discloses a television system (Fig. 1), said system comprising: a broadcast data receiver (28) for receiving broadcast data from a remote location (16) via cable, satellite or terrestrial means (col. 3, lines 37-42) and processing the data (col. 4, lines 31-33); a display screen (32) for displaying processed video data being connected to or forming part of the broadcast data receiver (20) and having a window (figs. 13 and 14 show windows on the display screen); a plurality of different video display formats (col. 2, line 21) provided on the display screen for selection by a user and wherein upon selection of a particular video display format (fig. 11, steps 140 & 144—col. 9, lines 36-38 & 43-47) a preview of the resulting video display is displayed in the window on the display screen (fig. 5, 84—user selectable format previewed on display screen).

In regards to claim 2, Lemmons discloses a television system wherein said window on said display screen in which the preview is shown is displayed over a part of a video display currently being broadcast on a user-selected channel (col. 4, lines 48-55).

In regards to claim 6, Lemmons discloses a television system wherein preview of a selected display includes the selected format as applied to at least one member of the group consisting of: the video data currently being broadcast on a user-selected channel, a broadcaster selected channel, a default video clip, a user selected video clip and a blank screen (col. 2, lines 21-23).

In regards to claim 7, Lemmons discloses a television system according to claim 1 wherein a plurality of different video display formats are provided in a drop down menu (col. 5, lines 55-59—options provided in menu items, drop-down lists).

In regards to claim 12, Lemmons discloses a television system according to claim 1 wherein format of the video display selected by a user is maintained on all video displays until a different video display format is selected (fig. 12, 146, col. 9, lines 59-61 & col. 10, lines 32-36).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (US 6,481,011 B1) in view of Yuen et al. (US 6,147,715).

In regards to claim 3, Lemmons discloses a window on a display screen that is displayed over a part of a video display currently being broadcast on a user-selected channel (col. 4, lines 48-55).

However, Lemmons fails to disclose that video content on said display screen behind said window remains unchanged following selection of a particular video display format in said window.

In an analogous art, Yuen et al. teach an apparatus that allows a user to view a program currently being displayed full screen in the background to remain unchanged while the user views the picture in picture window at the same instant (col. 6, lines 38-56).

It would be obvious to one skilled in the art at the time the invention was made to modify the system of Lemmons in order to allow the background video content on the display screen to remain unchanged in order allow the user to not miss any information whilst viewing the information in the preview screen (col. 6, lines 38-43).

7. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons in view of Schindler (US 6,920,614).

In regards to claim 4, Lemmons discloses a window on a display screen (figs. 13 & 14).

However, Lemmons fails to disclose the dimensions of the window on the display screen are adjustable by the user.

In an analogous art, Schindler teaches a picture in picture window that can be resized or moved to a different area of the display (col. 18, lines 38-40).

It would be obvious to one skilled in the art at the time the invention was made to modify the system of Lemmons to allow a user to adjust the size of the window in order



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to allow more or less of the background display to be covered for in order to not interfere with the video images being displayed (col. 18, lines 42-43).

8. Claims 1, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons in view of Washino (US RE 38, 079 E).

In regards to claims 5 and 9, Lemmons discloses different video display formats (col. 2, line 21) provided on the display screen for selection by a user.

However, in regards to claim 5, Lemmons fails to disclose the format of the video display alters the size and/or shape of the resulting video display in the window.

In an analogous art, Washino teaches images are re-sized by the system according to different formats (col. 4, lines 15-20).

It would be obvious to one skilled in the art at the time the invention was made to modify the invention of Lemmons to allow the display formats to alter the size and/or shape of the video display in the window on the display screen in order to fill the particular needs of individual applications (col. 4, lines 19-20).

In regards to claim 9, Lemmons fails to disclose that the different video display formats include at least one member from the following group consisting of: a normal (4:3) display, a widescreen (16:9) display, a picture handling display, pass through display, center cut-out display and letterbox display.

Washino teaches that after production effects of video formats are performed, the output includes the possibility of a normal (4:3) format or a widescreen format (16:9) (figs. 1a & 6, col. 12, lines 34-49).

It would be obvious to one skilled in the art at the time the invention was made to include the formats taught by Washino in Lemmons's invention in order to allow the user access to a variety of common viewing preferences according to any use that is required (col. 12, lines 34-37).

9. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons (6,481,011 B1) in view of Das et al. (US 6,493,688).

In regards to claim 10, Lemmons discloses the use of different profiles that contain multiple display formats (col. 9, lines 66-67—col. 10, lines 1-2) and the display of a default selection to be used when a user has made no selection (col.8, lines 22-28).

However, Lemmons fails to disclose that wherein format of the video display on said display screen returns to a default video display format each time said television system is switched off and subsequently switched on again.

In an analogous art, Das teaches an EPG system that also utilizes profiles to control the behavior of the menu system (col. 5, lines 4-5) and a default profile is selected automatically when the television is powered on (col. 4, lines 9-10).

It would be obvious to modify the system of Lemmons so that when the television is turned off and subsequently back on again as taught by Das, the television will return to a default video display format profile in order to suit the taste of more persons (col. 3, lines 66-67).

10. Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemmons in view of Kawai et al. (US 6,989,731).

In regards to claim 11, Lemmons discloses the use of different profiles that contain multiple display formats (col. 9, lines 66-67—col. 10, lines 1-2) and the display of a default selection to be used when a user has made no selection (col.8, lines 22-28).

However, Lemmons fails to disclose that format of the video display on said display screen returns to a default video display format after a pre-determined period of time.

In an analogous art, Kawai et al. teach that electronic devices, including a television, switch from a normal mode to a sleep mode (default format) after a predetermined period of time (col. 4, lines 35-38).

It would be obvious to modify the system of Lemmons to include the previously mentioned function taught by Kawai in order to allow a user to control the format of the display screen according the their preference in order to save power (col. 4, lines 32-35), view a certain display format, etc.

11. Claims 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nijima in view of Riach (US 6,897,874 B1).

In regards to claim 13, Nijima discloses a plurality of different video display formats provided on the display screen for selection by a user (col. 13, lines 30-32).

However, Nijima fails to disclose that in addition to the different video display formats, a user can select the video display to be in a Red, Green, Blue format or different video display format.

In an analogous art, Riach teaches a system that has the capability to change the color format from typical television formats to a red/green/blue (RGB) format (col.2, lines 23-27).

It would be obvious to modify the system of Nijima to include a display format such as red, green, blue format in order to allow a user flexibility to output the display on an alternate display device, for example a computer screen (col. 2, line 28).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelton Austin whose telephone number is (571) 272-9385. The examiner can normally be reached on Monday through Thursday from 7:30-5:00. The examiner can also be reached on alternate Fridays from 7:30-4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Stucker whose telephone number is (571) 272-0911, can be reached on Monday through Thursday from 7:30-5:00. The supervisor can also be reached on alternate Fridays from 7:30-4:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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Business Center (EBC) at 866-217-9197 (toll-free).

  
Shelton Austin  
10/30/06

  
JEFFREY STUCKER  
SUPERVISORY PATENT EXAMINER